(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Civil Revision No. 61 / 2006

Single Bench

Revisionist — Shiekh Shakur Mohammad S/o Jaan Mohammad Age 48 Years R/o Opposite Agrawalle's Sweet Shop, Chudi Line, Distt. Raipur.

VERSUS

Non-Applicant
1. Shreelalchand Jain, Age 54 Yrs.,
2. Shree Prakashchand Jain, Age 51 Yrs.
3. Shree Subhashchand Jain, Age 48,
4. Shree Satish Kumar Jain, Age 45

All S/o Late Kalyanmal Jain
And R/o Chudi Line,
Sadar Bazaar Ward, Distt. Raipur

Seeking Revision *of Order Dated 18/04/06 of I Add. CJ Class-I to the Court of CJ Class-I RAipur, In CS 10A/05.*

REVISION U/s 115 OF CPC, 1908.

Factual Matrix

XI-HC-22

(97)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक C.R. 81 **सन्** 2006

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	02.08.2006 Shri Raja Sharma, counsel for the applicant. Heard on admission. This revision is directed against the order dated 18.4.2006, passed in Civil Suit No. 10-A/2005 by the First Additional Judge to the Court of Civil Judge Class-I, Raipur, whereby, an application filed by the defendant under Order 7, Rule 11 of C.P.C. has been dismissed. Learned counsel for the applicant submits that the applicant had taken 2 grounds. His first ground was that since the suit was for declaration simplicitor, it was not maintainable and second that the subject matter of the suit has not been properly valued and if a proper valuation would be done, the suit would be barred by pecuniary jurisdiction of the concerned court. I have gone through the copy of the plaint, which has been filed as Annexure D-1. A perusal of the plaint would show that the suit is not filed for declaration simplicitor, but, is for a relief of permanent injunction and in this view of the matter; the first ground taken by the defendant was rightly dismissed by the trial court. So far as the second ground about valuation is concerned, a perusal of the impugned order and plaint would show that for the declaratory relief, that the plaintiffs are the owners of the disputed land, they have valued the said claim by putting a valuation of Rs.400/- and for the relief of	

देखिये)

(98)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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	permanent injunction, they have separately valued their claim in sum of Rs.400/- and a total valuation of Rs.800/- has been put and a requisite fees on the said amount has bee affixed on the plaint. After going through the contents of the plaint and the order, and considering the relief(s) claimed, in the opinion of this Court, the valuation set forth by the plaintiffs is quite correct and the trial court has rightly rejected this ground also. There is no illegality in the order passed by the trial Court. The petition filed under Section 115 of the C.P.C. fails and is dismissed at the motion stage itself. **Sd/-** **Sunil Kumar Sinha** **Judge**	

sunita

(पीछे देखिये)